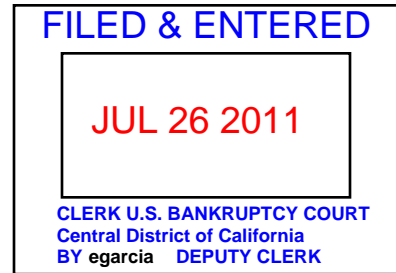


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8 Attorneys for Defendant
9 MORTGAGE ELECTRONIC REGISTRATION
10 SYSTEMS, INC.



11 UNITED STATES BANKRUPTCY COURT
12 CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

13 In re
14 RAYMOND VARGAS, an individual
15 SSN xxx-xx-1938,
16 Debtor.

Case No. 2:08-bk-17036-PC

Chapter 7

17 RAYMOND VARGAS, JOHN P
18 PRINGLE, Chapter 7 Bankruptcy Trustee
19 of RAYMOND VARGAS,

Adv. Case No. 2:09-ap-01135-PC

20 Plaintiffs,

**ORDER ON DEFENDANT MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.'S MOTION FOR
JUDGMENT ON THE PLEADINGS RE
PLAINTIFF'S FIFTH, SIXTH AND
EIGHTH CLAIMS FOR RELIEF**

21 vs.

22 FREEDOM HOME MORTGAGE
23 CORPORATION, MORTGAGE
24 ELECTRONIC REGISTRATION
25 SYSTEMS, INC., et al,

Date: July 19, 2011

Time: 9:30 a.m.

Courtroom: 1539

26 Defendants.

27 The motion for a judgment on the pleadings as to Plaintiff's fifth, sixth and eighth claims
28 for relief filed by Defendant Mortgage Electronic Registration Systems, Inc. (Docket No. 79) (the
"Motion") came regularly on for hearing before the above-entitled court on July 19, 2011, at 9:30
a.m., the Honorable Peter H. Carroll, United States Bankruptcy Judge, presiding. Appearances of
counsel were as noted in the record of the foregoing hearing.

1 The Court having considered the moving papers, *Plaintiffs' Response (Non-Opposition) to*
2 *Defendant Mortgage Electronic Systems, Inc.'s Motion for Judgment on the Pleadings re*
3 *Plaintiff's Fifth, Sixth and Eighth Claims for Relief* (Docket No. 83), the Court's file in this
4 proceeding and the argument of counsel at the foregoing hearing, and good cause appearing
5 therefor,

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Motion be granted; and
8 2. Plaintiffs' fifth claim for relief for "Wrongful Foreclosure in a Non-Judicial
9 Foreclosure Action (Cal. Civ. Code § 2924; Com. Code § 3502 as to MERS", sixth claim for
10 relief for "Declaratory and Injunctive Relief Lack of Standing to Conduct a Non-Judicial
11 Foreclosure Sale Cal Com Code 3301 as to MERS" and eighth claim for relief for "Libel" be
12 dismissed with prejudice.

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DATED: July 26, 2011

United States Bankruptcy Judge

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
300 South Grand Avenue, 22nd Floor, Los Angeles, CA 90071

A true and correct copy of the foregoing document described as ORDER ON DEFENDANT MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.'S MOTION FOR JUDGMENT ON THE PLEADINGS RE PLAINTIFF'S FIFTH, SIXTH AND EIGHTH CLAIMS FOR RELIEF will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **Fill in Date Document is Filed**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

On July 22, 2011, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.
VIA U.S. MAIL

Stephen E. Biegenzahn, Esq. 611 W. 6th Street, Suite 850 Los Angeles, CA 90017-3015	Marcus Gomez, Esq. 12749 Norwalk Boulevard, Suite 204A Norwalk, CA 90650
Honorable Peter Carroll U.S. Bankruptcy Court, Suite 1534 255 East Temple Street Los Angeles, CA 90012	Office of The United States Trustee 725 S. Figueroa Street, Suite 2600 Los Angeles, CA 90017

Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **Fill in Date Document is Filed**, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 22, 2011

Date

Victoria L. Rader

Type Name

/s/ Victoria L. Rader

Signature

NOTE TO USERS OF THIS FORM:

- 1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.
- 2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
- 3) **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
- 4) **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) ORDER ON DEFENDANT MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.'S MOTION FOR JUDGMENT ON THE PLEADINGS RE PLAINTIFF'S FIFTH, SIXTH AND EIGHTH CLAIMS FOR RELIEF was entered on the date indicated as Entered on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of July 22, 2011, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

Stephen F Biegenzahn efile@sfblaw.com
Richard W Esterkin resterkin@morganlewis.com
Marcus Gomez marcusgomez@verizon.net
Kristin R Lamar kristin@doanlaw.com
John P Pringle jpringle@ecf.epiqsystems.com, johnppringle@earthlink.net
Meghan C Sherrill meghan.sherrill@bryancave.com
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
Katherine M Windler katherine.windler@bryancave.com

Service information continued on attached page

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Service information continued on attached page

III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an Entered stamp, the party lodging the judgment or order will serve a complete copy bearing an Entered stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

Service information continued on attached page